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ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

March 26, 2019

System No. 4910021

Janet Ames, District Clerk  
Bodega Bay Public Utility District  
P.O. Box 70  
Bodega Bay, CA 94923

### **CITATION NO. 02\_18\_19C\_027 NITRITE MONITORING VIOLATION FOR CALENDAR YEAR 2018**

Enclosed is Citation No. 02\_18\_19C\_027 (hereinafter "Citation"), issued to the Bodega Bay Public Utility District (hereinafter "System"), public water system. Please note there are legally enforceable deadlines associated with this Citation.

The System will be billed at the State Water Resources Control Board's (hereinafter "State Water Board"), hourly rate for the time spent on issuing this Citation. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the State Water Board has spent approximately one hour on enforcement activities associated with this violation.

The System will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the System for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the state board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision.

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the state board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

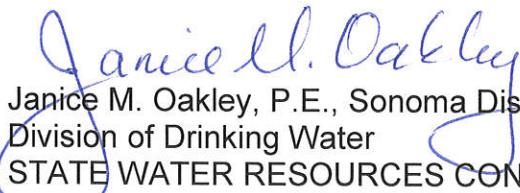
50 D Street, Suite 200, Santa Rosa, CA 95404 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

Information regarding filing petitions may be found at:

[http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

If you have any questions regarding this matter, please contact Jason Carter of my staff at 707-576-2098 or me at 707-576-2145.

Sincerely,

  
Janice M. Oakley, P.E., Sonoma District Engineer  
Division of Drinking Water  
STATE WATER RESOURCES CONTROL BOARD

Enclosures

Certified Mail No. 7018 0040 0000 0180 1350

cc:

Victoria Watts, P.O. Box 70, Bodega Bay, CA 94923  
Garett Watts, P.O. Box 70, Bodega Bay, CA 94923

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

**Name of Public Water System:** Bodega Bay Public Utility District

**Water System No:** 4910021

**Attention:** Janet Ames, District Clerk

P.O. Box 70

Bodega Bay, CA 94923;

System Location: Bodega Bay, CA

**Issued:** March 26, 2019

CITATION FOR NONCOMPLIANCE WITH  
CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555(a)(1) AND  
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64432.1

NITRITE MONITORING VIOLATION  
CALENDAR YEAR 2018

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Water Board"), to issue a citation to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California

SDWA”), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The State Water Board, acting by and through its Division of Drinking Water (hereinafter “Division”), and the Deputy Director for the Division, hereby issues Citation No. 02\_18\_19C\_027 (hereinafter “Citation”), pursuant to Section 116650 of the CHSC to the Bodega Bay Public Utility District (hereinafter “System”), for violation of CHSC, Section 116555(a)(1) and California Code of Regulations (hereinafter “CCR”), Title 22, Section 64432.1.

#### STATEMENT OF FACTS

The System is classified as a Community public water system with a population of approximately 1,435 serving 1060 connections.

CHSC, Section 116555(a)(1) requires all public water systems to comply with primary drinking water standards as defined in CHSC, Section 116275(c). Primary drinking water standards include maximum levels of contaminants and the monitoring and reporting requirements as specified in regulations adopted by the State Water Board that pertain to maximum contaminant levels.

Pursuant to CCR, Title 22, Section 64432.1, the System is required to collect one sample triennially for nitrite testing from each source. During the 2018 compliance period, the System failed to collect a nitrite sample from Salmon Creek Well 03, 4910021-005.

## DETERMINATION

The State Water Board has determined that the System has failed to comply with primary drinking water standards pursuant to CHSC, Section 116555(a)(1) and monitoring requirements pursuant to CCR, Title 22, Sections 64432.1.

## DIRECTIVES

The System is hereby directed to take the following actions:

1. On or before **April 26, 2019** notify all persons served by the System of the violation of CCR, Title 22, Section 64432.1, in conformance with Sections 64463.4(b) and (c) and 64465. Appendix 1: Notification Template shall be used to fulfill this Directive unless otherwise approved by the State Water Board.
2. Complete Appendix 2: Compliance Certification Form. Submit it together with a copy of the public notification required by Directive 1 to the State Water Board on or before **May 3, 2019**.
3. The System shall ensure that monitoring is conducted triennially for nitrite from all its active sources and that the laboratory, which conducts the analysis, submits the analytical results electronically by a State Water Board approved method no later than the 10<sup>th</sup> day of the month following completion of the analyses.

The System shall collect and report the 2018 triennial nitrite sample result from Salmon Creek Well 03 by **May 10, 2019**.



4. The System shall include this violation in the Calendar Year Consumer Confidence Report in accordance with CCR, Title 22, Section 64481(g)(1).

5. On or before **April 26, 2019** complete and return to the State Water Board the "Notification of Receipt" form attached to this Citation as Appendix 3. Completion of this form confirms that the System has received this Citation and understands that it contains legally enforceable directives(s) with due dates.

All submittals required by this Citation, with exception of analytical results, shall be electronically submitted to the State Water Board at the following address. The subject line for all electronic submittals corresponding to this Citation shall include the following information: Water System name and number, citation number and title of the document being submitted.

Janice M. Oakley

Dwpdist18@waterboards.ca.gov

The State Water Board reserves the right to make modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

Nothing in this Citation relieves the System of its obligation to meet the requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued or adopted thereunder.

**PARTIES BOUND**

This Citation shall apply to and be binding upon the System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

The directives of this Citation are severable, and the System shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the State Water Board to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Water Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Water Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Water Board. The State Water Board does not waive any further enforcement action by issuance of this Citation.

Janice M. Oakley  
Janice M. Oakley, P.E.  
Sonoma District Engineer  
Division of Drinking Water  
STATE WATER RESOURCES CONTROL BOARD

March 26, 2019  
Date

**Appendices (3):**

1. Notification Template
2. Compliance Certification Form
3. Notification of Receipt Form



Certified Mail No. 7018 0040 0000 0180 1350



## APPENDIX 1. NOTIFICATION TEMPLATE

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

Este informe contiene información muy importante sobre su agua potable.

Por favor hable con alguien que lo pueda traducir.

**Nitrite Monitoring Requirements**

**Not Met for BODEGA BAY PUBLIC UTILITY DISTRICT During 2018**

Our water system failed to monitor as required for drinking water standards during 2018 and, therefore was in violation of the regulations. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct the situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During calendar year 2018, we did not collect a nitrite sample from SALMON CREEK WELL 03 and therefore, cannot be sure of the quality of our drinking water during that time.

**What should I do?**

- There is nothing you need to do at this time.
- The table below lists the contaminant we did not properly test for during the calendar year 2018, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were taken
Nitrite	Minimum is one sample triennially from SALMON CREEK WELL 03	None	During calendar year 2018	

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done? \_\_\_\_\_

[Describe corrective action] \_\_\_\_\_

We anticipate resolving the problem within [estimated time frame]

For more information, please contact:

Name of Contact \_\_\_\_\_

Phone Number or \_\_\_\_\_

Mailing Address \_\_\_\_\_

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

### **Secondary Notification Requirements**

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by BODEGA BAY PUBLIC UTILITY DISTRICT in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.

State Water System ID: 4910021      Date distributed:

## APPENDIX 2. COMPLIANCE CERTIFICATION

Citation Number: 02\_18\_19C\_027

Name of Water System: BODEGA BAY PUBLIC UTILITY DISTRICT

System Number: 4910021

### Certification

I certify that the users of the water supplied by this water system were notified of the nitrite monitoring violation of California Code of Regulations, Title 22, Section 64432.1 for the compliance period of 2018 and the required actions listed below were completed.

Required Action	Date Completed
(Citation Directive 1) Public Notification Method(s) Used: _____	
(Citation Directive 3) Nitrite Sample Collection Date: _____	

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

**Attach a copy of the public notice distributed to the water system's customers.**

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD,  
DIVISION OF DRINKING WATER, NO LATER THAN MAY 3, 2019.**

**Disclosure:** Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

**Appendix 3 – Notification of Receipt**

**Citation Number:** 02\_18\_19C\_027

**Name of Water System:** BODEGA BAY PUBLIC UTILITY DISTRICT

**System Number:** 4910021

**Certification**

I certify that I am an authorized representative of the Bodega Bay Public Utility District and that Citation No. 02\_18\_19C\_027 was received on \_\_\_\_\_. Further I certify that the Citation has been reviewed by the appropriate management staff of the Bodega Bay Public Utility District and it is clearly understood that Citation No. 02\_18\_19C\_027 contains legally enforceable directives with specific due dates.

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD,  
DIVISION OF DRINKING WATER, NO LATER THAN APRIL 26, 2019.**

**Disclosure:** Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.